

1.0 INTRODUCTION

1.1 OVERVIEW

This focused Draft Environmental Impact Report (DEIR) has been prepared pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended. CEQA requires state and local agencies to identify the significant environmental impacts of their activities and to identify alternatives to avoid or mitigate significant adverse environmental impacts. Compliance with CEQA is mandatory when a public agency undertakes an activity defined by CEQA as a “project”. The B and 3rd Streets Visioning Process consists of the proposed adoption of amendments to various land use designations, plans, and regulations, and therefore is considered a project under CEQA. The City of Davis has the primary responsibility for approving the project and therefore is the “lead agency” under CEQA.

1.2 PURPOSE OF THE EIR

An EIR is an informational document, the purpose of which is to inform public agency decision-makers and the general public, of the significant environmental effects of a project. Additionally the EIR identifies possible means to minimize the significant effects and describes reasonable alternatives to the project. The EIR is required to provide sufficient analysis to enable decision-makers to make an informed decision which “intelligently takes account of environmental consequences” (CEQA Guidelines Section 15151). Sections 15120 through 15132 of the CEQA Guidelines describe the specific content requirements for an EIR.

The information contained in this document does not control the City Council’s ultimate discretion on the project; however, the Council is required to make findings of fact in support of its decision-making. Findings are a recitation of the conclusions of the Council on particular issues, including documentation of the evidence in support of those conclusions. The information in the EIR becomes the substantial evidence in the record to support the Council’s action on the Project, should that decision be later challenged in court. The City Council is required by State law to make several types of findings:

- Certification of the EIR (CEQA Guidelines Section 15090) – These findings support the adequacy of the EIR for decision-making purposes.
- Findings Regarding Significant Impacts and Project Alternatives (CEQA Guidelines Section 15091) – These findings explain how the Council chose to address each identified significant impact, including the mitigation measures adopted or an explanation of why such measures are infeasible. A discussion of the feasibility of project alternatives is also required by this section (see also CEQA Guidelines Section 15126.6[f]).
- Project Approval (CEQA Guidelines Section 15092) – These findings are required should the Council chose to approve the project.

- Statement of Overriding Considerations (CEQA Guidelines Section 15093) – These findings document the Council’s decision to adopt the project despite the fact that unavoidable impacts will result, due to other overriding benefits of the project.

1.3 ENVIRONMENTAL REVIEW PROCESS

The City initiated the environmental review process for this project on January 6, 2006 with the release of a Notice of Preparation/Initial Study (NOP) for the project (see Appendix 7.1). The NOP was made available for a 30-day period ending February 6, 2006 during which time public and agency comments were accepted regarding the scope of the EIR and the range of project alternatives identified for study.

On February 3, 2006 the City released a Revised NOP that added one parcel to the project area and corrected a typographical error on one page regarding the size of the project area (see Appendix 7.2). These revisions were minor in nature and the review period for the NOP was not modified.

On January 19, 2006 a scoping meeting was held to allow for interaction with staff, review of large scale maps, and submittal of oral and written comments on the project.

A total of 17 comment letters were received (see Appendix 7.3) on the NOP.

1.4 SCOPE OF EIR

The Initial Study completed for the NOP concluded that the potential for significant impacts as a result of the project would be restricted to the following areas:

- Traffic and Circulation/Parking – Increased levels of development due to the project will contribute to cumulative traffic conditions and increased demand for parking. The EIR will evaluate the project impacts on area transportation systems, including vehicular traffic, bicycle and pedestrian circulation and safety, and parking.
- Cultural Resources – The project could result in the removal/relocation of up to 14 principal structures built prior to 1945 including several structures that are listed or eligible for listing as historic structures. The project will also allow higher density development on sites adjoining two designated, and one eligible “historic resources.” The EIR will evaluate the impacts projected redevelopment in the project area could have on area historic resources.
- Aesthetics – The project is expected to result in increased bulk and height of new development and result in the removal of existing trees. The EIR will include an assessment of the impact the increased bulk and height, and tree loss, could have on area aesthetics.

As a result of the comments received on the NOP and from the scoping meetings however, the scope of the EIR was expanded to include two additional CEQA issue areas:

- Land Use – The project is expected to result in changes in the intensity and type of land uses in the area. These impacts will be examined in the EIR.
- Noise – The project will result in increased residential density that would be exposed to noise from Central Park and Toomey field, and would contribute to ambient noise levels in the area. This will be examined in the EIR.

The NOP identified three project alternatives to be analyzed in the EIR: Alternative 1 (No Project, Existing Conditions); Alternative 2 (Lower Intensity); and Alternative 3 (Higher Intensity). As a result of the comments received on the NOP and from the scoping meetings the scope of the EIR was expanded to include an additional alternative: Alternative 4 (Neighbor's Alternative).

As documented in the NOP, all other CEQA issue areas were found to: a) have no potential for significant impact; b) be reduced to less-than-significant levels through application of the City's standard conditions for development approval; or c) have been adequately analyzed in the following prior environmental documents:

- Program FEIR certified for the General Plan Update, SCH #1999072014, Resolution No. 01-72 adopted May 23, 2001.
- Negative Declaration adopted for the *Davis Downtown and Traditional Residential Neighborhoods Design Guidelines*, Resolution No. 01.108 adopted July 11, 2001.
- Program FEIR certified for the Core Area Specific Plan (CASP), SCH #94051003, Resolution No. 8022 adopted November 13, 1996.

It should be noted that the NOP describes the EIR as a program-level document however in the course of actually preparing the EIR all analysis was performed at the project-level. This approach was taken specifically for the purpose of providing construction-level clearance for future projects in the area that are consistent with the Visioning Process.

It should also be noted that this EIR analyzes Cultural Resources at an equal-level of detail for the project and all alternatives. It analyzes Circulation and Parking at an equal level of detail for the project and Alternative 1 (No Project, Existing Conditions). This is discussed further in Chapter 5.0. This approach was taken to allow the City Council maximum latitude in their decision-making regarding this project.

1.5 OVERVIEW OF MITIGATION MONITORING

CEQA requires public agencies to report on and monitor measures adopted as part of the environmental review process (Public Resources Code Section 21081.6; CEQA Guidelines Section 15097). A Mitigation Monitoring Plan (MMP) will be prepared in conjunction with the Responses to Comments for this DEIR, and will be provided to the public and decision-makers for consideration in their deliberations.

1.6 ORGANIZATION OF THE DOCUMENT

This DEIR is organized as follows:

Chapter 1.0, Introduction: Provides an introduction and overview describing the purpose of the EIR, the environmental review process, an overview of the mitigation monitoring requirements and process, document organization, and a summary of the NOP/Initial Study conclusions.

Chapter 2.0, Executive Summary: Provides a summary of the project, areas of controversy, issues to be resolved, a summary of regulatory and policy consistency, summary of impact conclusions, a summary of the alternatives analysis, and a summary of project impacts and mitigations.

Chapter 3.0, Project Description: Provides an introduction to the project, location and setting information, project objectives, and details regarding the components and characteristics of the project.

Chapter 4.0, Environmental Analysis: Provides focused, construction-level analysis of the following environmental issue areas: circulation and parking, historic resources, land use and aesthetics, and noise. The analysis for each issue area contains an introduction, description of setting, impact analysis, and recommendations regarding feasible mitigation measures.

Chapter 5.0, CEQA Considerations: Provides analysis of cumulative effects, growth inducing impacts, and project alternatives.

Chapter 6.0, Report Preparation: Identifies report authors, citations, and persons contacted.

Chapter 7.0, Appendices: Includes technical and informational appendices to the document.